

vector, host cell and the recombinant method of production of the polypeptide of Group I, classified in class 435, subclass 232.

- Group III. Claims 25-28, drawn to an antibody to the polypeptide of Group I and cell lines producing the antibody, classified in class 435, subclass 326.
- Group IV. Claims 30, drawn to a method of isolating GNK, classified in class 435, subclass 194.
- Group V. Claims 32-34, drawn to a method of detecting caspase-3 activity, classified in class 435, subclass 23.

Responsive to the Requirement for restriction, Applicants elect to prosecute the invention of Group I, with traverse, Claims 1-7, 20, and 29, which are drawn to an isolated GID polypeptide and related subject.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of Claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "'distinct'" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the

merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

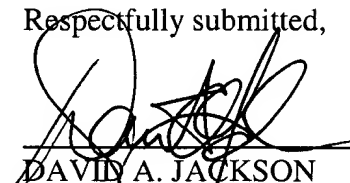
Applicants respectfully submit that the groups designated by the Examiner fail to define compositions and methods, with properties so distinct as to warrant separate Examination and Search. Claim 30 of Group IV is drawn to a method of isolating GNK and Claims 32-34 of Group V are drawn to a method of detecting caspase-3 activity that are fundamentally related to Claims 1-7, 20, and 29 of Group I, drawn to isolated GID polypeptide and related subject. The search for any of the methods separately classified by the Examiner as the invention of Groups IV and V would require an additional search of the identical classes wherein the claims of Group I are classified, thus resulting in a duplicate search for the same material. Specifically, since GNK Interacting Decarboxylase is a binding partner of GNK protein kinase, it may be used in methods directed to isolate GNK, such as those methods recited in Claim 30 of Group IV. Moreover, since GID is a substrate for caspase-3 activity, it is also of utility in the methods of Claims 32-34, which are directed to detecting caspase-3 activity. Thus, Applicants submit that the Search and Examination of the entire Application, or, at least, of Groups IV and V with Group I can be made without serious burden, and therefore the Examiner should examine all of the claims of the Application on the merits.

The Examiner's assertions to the contrary notwithstanding, Applicants respectfully submit that conjoint examination and inclusion of all of the Claims of the present Application would not present an undue burden on the Examiner, and accordingly, withdrawal of the Requirement for Restriction, or, at the least, modification to include the Claims drawn to Group I and Groups IV and V are in order.

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,



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